HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION No.19939 of 2007

Date: September 24, 2007

Between:

1. Sri Santoshi Commission Merchant, represented by its prop: Yarrapu Satyanarayana and 9 others. …Petitioners

And

1. The Agricultural Market Committee, Khammam District, rep. by its Secretary Khammam and another. …Respondents

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ORDER:

Sri V.V.N.Narayana Rao, takes notice on 20.9.2007 and requested time to get instructions. Heard Sri G.Rana Pratap, counsel representing the writ petitioners, Sri V.V.N.Narayana Rao, counsel representing the first respondent and the learned Government Pleader for Agriculture appearing for the second respondent.

2. The writ petition is filed for a writ of *Mandamus* declaring action of the respondents in not issuing commission agent licences in favour of the petitioners to carry on business in Agricultural Market Yard at Khammam, as illegal, arbitrary and contrary to the provisions of Act No.16 of 1966 and consequently direct the respondents to issue commission agent licences in favour of the petitioners and to pass such other suitable orders.

3. It is stated that the petitioners has been carrying on business in Khammam for the last several years and they had submitted application before the first respondent on 25.01.2007 to issue commission agent licence for the years 2006 to 2012. The first respondent received the application, but did not dispose of the

same within the time prescribed in the provisions of the Act No.16 of 1966 and Rules made thereunder. It is also stated that the Government of Andhra Pradesh so far not issued any G.O. or notification regulating or prohibiting commission agents from operating in the agricultural market yard and that the respondents are bound to issue licences in the absence of such notification. It is also stated that issue of licenses in favour of commission agents on the basis of number of licenses operating in the market yard cannot be decided. In fact, the second respondent having found that there are more number of commission agents, requested the first respondent to reject the applications. The first respondent being the competent authority for issue of licences, it is required to consider the applications within the time framed in the provisions of Act 16 of 1966. The second respondent, in the absence of notification issued by the Government, had no authority to regulate issue of licences. It is also stated that in the similar circumstances this Court in W.P.No.164 of 2007 passed orders dated 22.01.2007 with a direction to consider the applications submitted by the petitioners therein in accordance with Section 7 (2) of the Act and take necessary steps. In such circumstances, the petitioners approached this court praying for appropriate reliefs, which had been specified supra.

4. Learned counsel placed strong reliance on the decision of this Court made in W.P.No.7552 of 2007 dated 13th April 2007, which reads as hereunder.

> "The A.P. (Agricultural Produce and Livestock) Markets Act, 1966 (for short 'the Act') prescribes the procedure for grant and renewal of commission agent licences. The first respondent is the licensing Authority for the area of its operation. If the petitioner has fulfilled the qualifications and requirements, for grant of commission agent licence, the first respondent cannot withhold the same. On the other hand, if the application submitted by the petitioner suffers from any defects, or if there exists any reasons, which disable the petitioner from being granted licence, the first respondent is under obligation

to communicate such reasons or grounds. He cannot keep the application pending indefinitely.

For the foregoing reasons, the writ petition is disposed of, directing the first respondent to consider the application submitted by the petitioner in accordance with Section 7 (2) of the Act, and take necessary steps within four weeks (4) from the date of receipt of a copy of this order. There shall be no order as to costs."

5. It is brought to the notice of this court that the questions of fact and questions on law in the present writ petition are also being the same; the same is disposed of with similar directions. In the light of the same, the writ petition is disposed of directing the respondents to consider the application submitted by the petitioners in accordance with Section 7 (2) of the Act and take necessary steps within six weeks from the date of receipt of a copy of this order. No costs.

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(P.S.NARAYANA, J.)

Date: September 24, 2007.

Note:
Issue CC by four days.

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BSB